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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,082	10/03/2001	Randall B. Smith	5181-80300	9515
7590	06/02/2004			
Jeffrey C. Hood Conley, Rose & Tayon, P.C. P.O. Box 398 Austin, TX 78767				
			EXAMINER CUNNINGHAM, GREGORY F	
			ART UNIT 2676	PAPER NUMBER 10

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/970,082

Applicant(s)

SMITH, RANDALL B.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 31-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to RCE communications of application received 3/31/2004.
2. The disposition of the claims is as follows: claims 1-15 and 31-44 are pending in the application. Claims 1 and 31 are independent claims. Claims 16-30 were cancelled in a prior Office Action.
3. When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 5, 9-11, 13, 15, 31-34 and 40-43 are rejected under 35 U.S.C. 102(a) as being disclosed by Smith et al., (US Patent Number 6,476,829), hereafter Smith.
  - A. Smith discloses claim 1, “A method for rendering and displaying information using a computer graphics system, the method comprising: receiving data corresponding to a plurality of objects to be rendered, wherein the data includes a first data value and a second data value for each object; using the first and second data values for each object to assign each object a first

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non-positional rendering attribute and a second non-positional rendering attribute; using the first and second non-positional rendering attributes to select a third non-positional rendering attribute; and rendering a scene including at least a subset of the plurality of objects, wherein said rendering is performed according the first, second, and third non-positional rendering attributes, and wherein the scene is displayable on a display device” in col. 1, ln. 61 – col. 2, ln. 67.

Wherein “first non-positional rendering attribute and associated first data value” corresponds to [fadedness of the object against a background], “second non-positional rendering attribute and associated second data value” corresponds to [transparency of the object], “third non-positional rendering attribute and associated third data value” corresponds to [size of the object on the display]. Other non-positional rendering attributes eligible as first, second, and third non-positional rendering attribute and associated data value are color, blink rate, jiggle rate, drawing order, line thickness, contrast and etc. as detailed supra for claim 1 in col. 2, lns. 18-67.

Also exemplified by Smith in col. 1, lns. 23-40 and col. 2, lns. 30-40, for the element of claim 1; “using the first [brightness] and second [size {larger, smaller}] non-positional rendering attributes to select a third [fadedness {more or less prominent}] non-positional rendering attribute”. Wherein [the non-positional display attribute fadedness] is more or less prominent (a measure of how noticeable an object is on the display relative to other objects) results in an object that appears “selected” brighter [brightness], larger or smaller [size].

B. Smith discloses claim 2, “The method of claim 1, wherein the first non-positional rendering attribute is size” supra for claim 1 and in col. 2, lns. 18-29.

C. Smith discloses claim 5, “The method of claim 1, wherein the first and second non-positional rendering attributes are each one of the following: color saturation, drop shadow,

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animation” supra for claim 1 and in col. 2, lns. 18-29. Wherein color incorporates saturation i.e. pink and red or blue and royal blue.

D. Smith discloses claim 9, “The method of claim 1, wherein the first non-positional rendering attribute is blink rate” supra for claim 1 and in col. 2, lns. 18-29.

E. Smith discloses claim 10, “The method of claim 1, wherein the first non-positional rendering attribute is background blending level” supra for claim 1 and in col. 2, lns. 18-29.

Wherein “fadedness of the object against a background” corresponds to “background blending level”.

F. Smith discloses claim 11, “The method of claim 1, wherein the first non-positional rendering attribute is shimmer level” supra for claim 1 and in col. 2, lns. 18-29. Wherein “shimmer level” corresponds to “jiggle rate of the object”.

G. Smith discloses claim 13, “The method of claim 1, further comprising re-rendering a particular object in response to detecting that the corresponding first data value for the particular object has changed, wherein said re-rendering includes updating the first non-positional attribute” supra for claim 1, particularly at “The system maps the mapped attribute to the non-positional display attribute for the object by computing a function of the value of the mapped attribute and the zooming parameter to produce a value for the non-positional display attribute. If the value for the zooming parameter changes in a first direction, the function maps a narrower range of mapped attribute values to prominent display attribute values.”

H. Smith discloses claim 15, “The method of claim 1, further comprising zooming in on a particular object by reconfiguring one or more of the non-positional attributes” supra for claim 1, particularly at “If the value for the zooming parameter changes in a first direction, the function

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maps a narrower range of mapped attribute values to prominent display attribute values. If the value for the zooming parameter changes in a second direction, the function maps a wider range of mapped attribute values to prominent display attribute values.”

I. Per independent claim 31, this is directed to a system for performing the method of independent claim 1, and therefore is identically rejected to independent claim 1.

J. Per dependent claims 32-34 and 40-43, these are directed to a system, respectively, for performing the method of dependent claims 5, 9-11 and 13, respectively, and therefore are rejected to dependent claims 5, 9-11 and 13.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 2 and 31 above, and further in view of Economy et al., (US Patent Number 5,367,615), hereafter Economy.

A. Smith discloses claim 3, “The method of claim 2, wherein the second non-positional rendering attribute is opacity” supra for claim 2. However Smith does not appear to disclose, “wherein the second non-positional rendering attribute is opacity”, but Economy does in col. 1, ln. 46 – col. 2, ln. 8.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with opacity and LOD disclosed by Economy, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 1, lines 56-57.

B. Smith discloses claim 4, “The method of claim 3, wherein the third non-positional rendering attribute is level of detail” supra for claim 3. However Smith does not appear to disclose, “wherein the third non-positional rendering attribute is level of detail”, but Economy does in col. 1, ln. 46 – col. 2, ln. 8.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with opacity and LOD disclosed by Economy, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 1, lines 56-57.

C. Per dependent claim 35, this is directed to a system for performing the method of dependent claims 3, and therefore is rejected to dependent claim 3.

D. Smith discloses claim 36, “The computer system of claim 31, wherein the auxiliary rendering attribute is transparency” supra for claim 31. However Smith does not appear to disclose, “wherein the auxiliary rendering attribute is transparency”, but Economy does in col. 1, ln. 46 – col. 2, ln. 8.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with opacity and

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LOD disclosed by Economy, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 1, lines 56-57.

8. Claims 6, 7, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 1 and 31 above, and further in view of Hernandez et al., (US Patent Number 4,723,209), hereafter Hernandez.

A. Smith discloses claim 6, “The method of claim 1, wherein the first non-positional rendering attribute is an indicator of whether or not to render text for the object” supra for claim 1. However Smith does not appear to disclose, “wherein the first non-positional rendering attribute is an indicator of whether or not to render text for the object”, but Hernandez does in col. 3, lns. 42-50.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with non-text objects disclosed by Hernandez, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 6, ln. 63 – col. 7, ln. 2.

B. Smith discloses claim 7, “The method of claim 1, wherein the first non-positional rendering attribute is font size” supra for claim 1. However Smith does not appear to disclose, “wherein the first non-positional rendering attribute is font size”, but Hernandez does in col. 3, lns. 42-50.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with font size



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disclosed by Hernandez, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 1, lines 56-57.

C. Per dependent claims 37 and 38, these are directed to a system, respectively, for performing the method of dependent claims 6 and 7, and therefore are rejected to dependent claims 6 and 7.

9. Claims 8, 12 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 1 and 31 above, and further in view of Kurihara et al., (US Patent Number 6,072,478), hereafter Kurihara.

A. Smith discloses claim 8, “The method of claim 1, wherein the first non-positional rendering attribute is sound volume” supra for claim 1. However Smith does not appear to disclose, “wherein the first non-positional rendering attribute is sound volume”, but Kurihara does in col. 16, lns. 55-57.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with sound volume objects disclosed by Kurihara, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 6, ln. 63 – col. 7, ln. 2.

B. Smith discloses claim 12, “The method of claim 1, wherein the objects are virtual objects” supra for claim 1. However Smith does not appear to disclose, “wherein the objects are virtual objects”, but Kurihara does in col. 4, lns. 7-14.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with virtual objects disclosed by Kurihara, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 6, ln. 63 – col. 7, ln. 2.

C. Per dependent claim 39, this is directed to a system for performing the method of dependent claim 8, and therefore is rejected to dependent claim 8.

10. Claims 14 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 13 and 43 above, and further in view of Muller et al., (US Patent Number 5,720,018), hereafter Muller.

A. Smith discloses claim 14, “The method of claim 13, wherein the detecting and re-rendering is performed in real-time” supra for claim 13. However Smith does not appear to disclose, “wherein the detecting and re-rendering is performed in real-time”, but Muller does in col. 14, lns. 10-18.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply attribute size disclosed by Smith in combination with real-time objects disclosed by Muller, and motivated to combine the teachings because it would provide a method and an apparatus that allows a user to zoom on non-positional display attributes as revealed by Smith in col. 6, ln. 63 – col. 7, ln. 2.

B. Per dependent claim 44, this is directed to a system for performing the method of dependent claim 14, and therefore is rejected to dependent claim 14.

*Response to Arguments*

11. Applicant's arguments filed 3/31/2004 have been fully considered but they are not persuasive. Smith also exemplifies [in col. 1, lns. 23-40 and col. 2, lns. 30-40], for the element of claim 1; "using the first [brightness] and second [size {larger, smaller}] non-positional rendering attributes to select a third [fadedness {more or less prominent}] non-positional rendering attribute". Wherein [the non-positional display attribute fadedness] is more or less prominent (a measure of how noticeable an object is on the display relative to other objects) results in an object that appears "selected" brighter [brightness], larger or smaller [size].

Therefore rejections to independent claims 1 and 31 stand, as well as claims 2-15 and 32-44 that depend, respectively, from said independent claims 1 and 31.

*Responses*

12. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

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***Inquiries***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*G.F. Cunningham*

gfc

June 1, 2004

*[Signature]*  
**Kee M. Tung**  
**Primary Examiner**  
**Primary Examiner**  
**Kee M. Tung**